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CITY OF LOS ANGELES and CHIEF MICHEL MOORE

FEE EXEMPT – GOV'T CODE § 6103

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES**

LOS ANGELES POLICE PROTECTIVE
LEAGUE,

Petitioner,

vs.

CITY OF LOS ANGELES, et al.,

Respondents.

) CASE NO. 18STCP03495

)

) **RESPONDENTS CITY OF LOS ANGELES'**
) **AND CHIEF MOORE'S ANSWER TO LOS**
) **ANGELES POLICE PROTECTIVE**
) **LEAGUE'S VERIFIED PETITION FOR**
) **WRIT OF MANDATE**

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) Action Filed: December 26, 2018
) Judge: Hon. James C. Chalfant
) Department: 85

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Respondents City of Los Angeles ("City") and Los Angeles Police Department ("LAPD") Chief Michel Moore ("Chief Moore") (collectively "Respondents"), hereby answer Petitioner Los Angeles Police Protective League's ("Petitioner" or "LAPPL") Verified Petition for Writ of Mandate; Alternative Writ of Mandate; and Request for Stay Order ("Petition") by admitting, denying, and affirmatively alleging as follows:

ANSWER TO PETITIONER'S ALLEGATIONS

1. Answering the allegations in Paragraph 1, Respondents admit that Petitioner has filed the present Petition against Respondents. To the extent any of the remaining allegations in Paragraph 1 are

1 deemed to be allegations of fact, Respondents deny them.

2 2. Answering the allegations in Paragraph 2, Respondents admit upon information and
3 belief that Petitioner is an organization that represents police officers, detectives, sergeants and
4 lieutenants employed by the City regarding matters concerning wages, hours, and working conditions.
5 Upon information and belief, Respondents admit that Petitioner's represented employees are peace
6 officers as defined in California Penal Code Section 830.1. As to the remaining allegations in Paragraph
7 2, Respondents lack sufficient information and knowledge to form a belief as to the truth of the
8 allegations and therefore deny them.

9 3. Answering the allegations in Paragraph 3, Respondents admit the allegations.

10 4. Answering the allegations in Paragraph 4, Respondents admit the allegations.

11 5. Answering the allegations in Paragraph 5, Respondents lack sufficient information and
12 knowledge to form a belief as to the truth of the allegations and therefore deny them.

13 6. Answering the allegations in Paragraph 6, Respondents aver that to the extent those
14 allegations purport to characterize and/or quote excerpts of the language of California Penal Code
15 Section 832.7, the statute speaks for itself. Furthermore, to the extent the allegations in Paragraph 6
16 constitute conclusions of law, no response is required. To the extent a further response is required or the
17 allegations in Paragraph 6 are deemed to be allegations of fact, Respondents admit that the allegations
18 contain a partial quote of the previous version of Penal Code Section 832.7, which was in effect until
19 December 31, 2018.

20 7. Answering the allegations in Paragraph 7, Respondents aver that to the extent those
21 allegations purport to characterize and/or quote excerpts of the language of California Penal Code
22 Section 832.8, the statute speaks for itself. Furthermore, to the extent the allegations in Paragraph 7
23 constitute conclusions of law, no response is required. To the extent a further response is required or the
24 allegations in Paragraph 7 are deemed to be allegations of fact, Respondents admit that the allegations
25 contain a partial quote of the previous version of Penal Code Section 832.8, which was in effect until
26 December 31, 2018.

27 8. Answering the allegations in Paragraph 8, Respondents admit that on September 30,
28 2018, then-Governor Brown approved Senate Bill 1421, which amended Penal Code Sections 832.7 and

1 832.8. Respondents further admit that Exhibit A attached to the Petition appears to be a true and correct
2 copy of Senate Bill 1421 as approved by Governor Brown. To the extent the remaining allegations in
3 Paragraph 8 purport to characterize and/or quote excerpts of the language of Senate Bill 1421,
4 Respondents aver that the bill speaks for itself. The remaining allegations in Paragraph 8 constitute
5 conclusions of law to which no response is required.

6 9. Answering the allegations in Paragraph 9, Respondents aver that the allegations
7 constitute conclusions of law to which no response is required. To the extent a further response is
8 required or the allegations in Paragraph 9 are deemed to be allegations of fact, Respondents admit them.

9 10. Answering the allegations in Paragraph 10, Respondents aver that those allegations
10 constitute conclusions of law to which no response is required. To the extent a further response is
11 required or the allegations in Paragraph 10 are deemed to be allegations of fact, Respondents deny them.

12 11. Answering the allegations in Paragraph 11, Respondents admit that Chief Moore sent a
13 letter dated December 3, 2018, to California State Senator Nancy Skinner regarding Senate Bill 1421.
14 Respondents further admit that Exhibit B attached to the Petition appears to be a true and correct copy of
15 Chief Moore's December 3, 2018 letter to Senator Skinner. To the extent the remaining allegations in
16 Paragraph 11 purport to characterize and/or quote excerpts of the language of Chief Moore's December
17 3, 2018 letter, Respondents aver that the letter speaks for itself. To the extent a further response is
18 required, Respondents admit the allegations in Paragraph 11 include partial quotes of language
19 contained in the December 3, 2018 letter.

20 12. Answering the allegations in Paragraph 11 (the second so-numbered paragraph,
21 appearing on page 5 of the Petition), Respondents admit that Arif Alikhan, Director of Constitutional
22 Policing and Policy for LAPD, sent a letter dated December 26, 2018, to LAPPL President Craig Lally
23 regarding Senate Bill 1421. Respondents further admit that Exhibit C attached to the Petition appears to
24 be a true and correct copy of Mr. Alikhan's December 26, 2018 letter to Mr. Lally. To the extent the
25 remaining allegations in Paragraph 11 purport to characterize and/or quote excerpts of the language of
26 Mr. Alikhan's December 26, 2018 letter, Respondents aver that the letter speaks for itself.

27 13. Answering the allegations in Paragraph 12, Respondents aver that those allegations
28 constitute conclusions of law to which no response is required. To the extent a further response is

1 required or the remaining allegations in Paragraph 12 are deemed to be allegations of fact, Respondents
2 admit them.

3 14. Answering the allegations in Paragraph 13, Respondents aver that those allegations
4 constitute conclusions of law to which no response is required. To the extent a further response is
5 required or the remaining allegations in Paragraph 13 are deemed to be allegations of fact, Respondents
6 deny them.

7 15. Answering the allegations in Paragraph 14, Respondents aver that those allegations
8 constitute conclusions of law to which no response is required. To the extent a further response is
9 required or the remaining allegations in Paragraph 14 are deemed to be allegations of fact, Respondents
10 deny them.

11 16. Answering the allegations in Paragraph 15, Respondents lack sufficient information and
12 knowledge to form a belief as to the truth of the allegations of Paragraph 15 concerning purported injury
13 and damages, and on that basis deny those allegations. Respondents aver that the remaining allegations
14 of Paragraph 15 constitute conclusions of law to which no response is required. To the extent a further
15 response is required or the remaining allegations in Paragraph 15 are deemed to be allegations of fact,
16 Respondents deny them.

17 17. Answering the allegations in Paragraph 16, Respondents aver that those allegations
18 constitute conclusions of law to which no response is required. To the extent a further response is
19 required or the remaining allegations in Paragraph 16 are deemed to be allegations of fact, Respondents
20 deny them.

21 **AFFIRMATIVE DEFENSES**

22 **FIRST AFFIRMATIVE DEFENSE**

23 As a first affirmative defense to the Petition, Respondents allege that at all times relevant hereto,
24 Respondents acted in compliance with all applicable federal, State and local laws and regulations.

25 **SECOND AFFIRMATIVE DEFENSE**

26 As a second and separate affirmative defense to the Petition, Respondents allege that the
27 contemplated conduct at issue is authorized by statute.
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1 **THIRD AFFIRMATIVE DEFENSE**

2 As a third and separate affirmative defense to the Petition, Respondents allege that the Petition
3 does not state facts sufficient to constitute a cause of action against Respondents.

4 **FOURTH AFFIRMATIVE DEFENSE**

5 As a fourth and separate affirmative defense to the Petition, Respondents allege that they have
6 insufficient knowledge and information upon which to form a belief as to whether there may be
7 additional as yet unstated defenses to the Petition, and they reserve the right to assert additional defenses
8 if and to the extent such are identifiable and applicable to some or all of the Petition.

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10 WHEREFORE, RESPONDENTS PRAY FOR JUDGMENT AS FOLLOWS:

- 11 1. That the Petition be denied, and judgment be entered in favor of Respondents;
12 2. That Petitioner take nothing by this Petition;
13 3. For costs of suit; and
14 4. For such other and further relief as the court may deem just and proper.

15 DATED: January 25, 2019

Respectfully submitted,

16 MICHAEL N. FEUER, City Attorney
17 CARLOS DE LA GUERRA, Sr. Assistant City Attorney
18 JULIE RAFFISH, Assistant City Attorney

19 By: 
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SORAYA C. KELLY, Deputy City Attorney

21 Attorneys for Respondents
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PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I, the undersigned, declare: I am employed in the County of Los Angeles. I am over the age of 18 and not a party to this action or proceeding. My business address is Los Angeles City Attorney's Office, 200 North Main Street, 800 City Hall East, Los Angeles, CA. 90012.

On January 25, 2019, I served the document(s) described as **RESPONDENTS CITY OF LOS ANGELES' AND CHIEF MOORE'S ANSWER TO LOS ANGELES POLICE PROTECTIVE LEAGUE'S VERIFIED PETITION FOR WRIT OF MANDATE** in Los Angeles Superior Court Case No. 18STCP03495 on all interested parties listed below at the following addresses:

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☒ BY ELECTRONIC MAIL: Pursuant to agreement of the parties, I transmitted the document described above to the above-referenced addressees via electronic mail to the addresses listed above. To the best of my knowledge, the transmission was complete and without error in that I did not receive an electronic notification to the contrary.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: January 25, 2019



LANCE PORTER, Declarant